

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOHN PRANGE, D.V.M.

(b) County of Residence of First Listed Plaintiff **BERKS**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

ADAM D. MESHKOV
MESHKOV & BRESLIN
830 LEHIGH STREET, EASTON PA 18042, 610-438-6300

DEFENDANTS

NO NONSENSE NEUTERING, INC.

County of Residence of First Listed Defendant **LEHIGH**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 12101 et seq.

Brief description of cause:

Americans with Disabilities Act violation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/18/16

SIGNATURE OF ATTORNEY OF RECORD

u

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 71 Forest View Drive, Mertztown, PA 19539

Address of Defendant: 3622 Sturbridge Road, Allentown, PA 18104

Place of Accident, Incident or Transaction: 3622 Sturbridge Road, Allentown, PA 18104
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) ADA

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Adam Meshekov, counsel of record do hereby certify:
- ☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☒ Relief other than monetary damages is sought.

DATE: 9/8/16 AW 94856
Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/8/2016 AW 94856
Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

John Prange, D.V. 14. : CIVIL ACTION
v. :
No Nonsense Neutering, Inc.: NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>9/9/2016</u>	<u>Adam D. Meshkov</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>610-438-6300</u>	<u>610-438-6304</u>	<u>adm@meshkovbreslin.com</u>
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN PRANGE, D.V.M	:	
	:	
Plaintiff	:	No.:
	:	
vs.	:	
	:	
NO NONSENSE NEUTERING, INC.	:	
	:	
Defendant	:	JURY TRIAL DEMANDED

COMPLAINT – CIVIL ACTION

Plaintiff, JOHN PRANGE D.V.M., by and through his undersigned attorney, ADAM. D. MESHKOV, ESQUIRE, hereby brings this Complaint against Defendant, NO NONSENSE NEUTERING, INC. and in support hereof avers as follows:

PARTIES

1. Plaintiff, JOHN PRANGE D.V.M, is an adult individual and resident of Pennsylvania with a mailing address of 71 Forest View Drive, Mertztown, Pennsylvania 19539.
2. Upon information and belief, Defendant, NO NONSENSE NEUTERING, INC., is a registered Pennsylvania corporation with an address of at 3622 Sturbridge Road, Allentown, Pennsylvania 18104 which employs in excess of fifty (50) employees.

VENUE AND JURISDICTION

3. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331 because certain claims set forth by Plaintiff arise under federal law, namely, the American with Disabilities Act (“ADA”) at 42 U.S.C. § 12101 *et seq.*

4. Venue is proper in this District under 28 U.S.C. §1391(b) and 29 U.S.C. §1132(e) because Defendant's headquarters and several of its business operations are located in the Eastern District of Pennsylvania.

EXHAUSTION OF RIGHTS

5. On June 15, 2015, Plaintiff filed a Charge of Discrimination with the United States Equal Opportunity Commission ("EEOC").

6. Plaintiff has requested but has not yet received a "Right to Sue" letter from the EEOC.

FACTUAL ALLEGATIONS

7. Plaintiff incorporates herein by reference all of the foregoing paragraphs as though fully set forth at length below.

8. Plaintiff, a seventy-one (71) year old male, was hired by Defendant in 2011.

9. For the duration of his employment from 2011 to May 11, 2015, Plaintiff worked an average of approximately ten (10) hours a week for which he had been paid \$80.00 per hour.

10. In September 2014, Plaintiff informed Defendant's principal owner, Martha Kahan, that it was his intention to retire beginning in March 2016.

10. At or about the same time, Plaintiff also advised Ms. Kahan of his express intention to work for Defendant in the same capacity as he had been prior to announcing his intentions of retirement.

11. On or about March 22, 2015, Ms. Kahan emailed Plaintiff requesting that he meet her for dinner, which they agreed to do.

12. On or about March 26, 2015, Plaintiff and Ms. Kahan met at the Kutztown Pub, during which Ms. Kahan informed Plaintiff that he was to be replaced and that his employment would be effectively ended as of May 11, 2015, ten (10) months before Plaintiff intended to retire.

13. During this meeting, Plaintiff was additionally informed by Ms. Kahan that his work hours and schedule would be assumed by Andrew W. McMannis, D.V.M, who had worked for Defendant for approximately two (2) years on a part-time basis at its Quakertown location.

14. Dr. McMannis is significantly younger and less experienced than Plaintiff.

15. On or about April 21, 2015, Plaintiff's undersigned counsel drafted and forwarded a letter to Ms. Kahlan expressing unequivocally that it was Plaintiff's belief that the decision to terminate his employment early and the decision to replace him with a younger individual was motivated and driven by his age. See *Exhibit "A"*.

16. In the same letter, undersigned counsel requested that Defendant respond in some way to these allegations. *Id.*

17. Rather than receiving a direct response from either Ms. Kahan or any other authorized agent of Defendant or its counsel, on April 30, 2015, nine (9) days following undersigned counsel's letter, Ms. Kahan forwarded a letter to Plaintiff informing him that his employment was to be terminated, effective immediately. See *Exhibit "B"*.

COUNT ONE
VIOLATION OF THE AGE DISCRIMINATION IN EMPLOYMENT
ACT 29 U.S.C. § 621 et seq.

18. Plaintiff incorporates herein by reference all of the foregoing paragraphs as though fully set forth below.

19. Plaintiff announced his intention to retire in September 2014, eighteen (18) months prior to his desired retirement date of March 2016.

20. In March 2015, six (6) months after Plaintiff announced his intention to retire and approximately one (1) year prior to his desired retirement date, Plaintiff was informed by Ms. Kahan that he would be terminated and replaced effective May 11, 2015, ten (10) months prior to his aforementioned desired retirement date.

21. At or about the same time, Plaintiff was informed by Ms. Kahan that he would be replaced by a significantly younger and less experienced individual.

22. On April 30, 2015, Plaintiff was fired without warning, a mere eleven (11) days before his original date of termination of May 11, 2015 in response to a letter written by undersigned counsel alleging age discrimination against Plaintiff. *Id.*

23. Defendant alleges that Plaintiff was terminated due to lack of attention to a bleeding issue in dogs occurring after Plaintiff performed surgery on said dogs.

24. Plaintiff states and therefore avers that he was unaware of the alleged bleeding issues that were the basis of his termination, and that he has never allowed animals to leave his operating table while actively bleeding.

25. Plaintiff believes and therefore avers that his termination was a result of discrimination against his advanced age, and a direct retaliation against his intention to retire.

26. For the foregoing reasons, Defendant willfully and intentionally discriminated against Plaintiff in violations of the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*

WHEREFORE, Plaintiff respectfully requests this Court enter an Order against Defendant requiring his compensation for damages suffered in the form of lost wages, anticipated wages, emotional distress, mental anguish, pain and suffering, inconvenience, humiliation, loss of the enjoyment of life, liquidated damages, if applicable, fees and costs, and all such other relief as this Court deems just, equitable and proper.

COUNT TWO
VIOLATION OF THE PENNSYLVANIA HUMAN RELATIONS
ACT, 43 Pa. C.S.A. § 951 *et seq.*

26. Plaintiff incorporates herein by reference all of the foregoing paragraphs as though fully set forth below.

Plaintiff announced his intention to retire in September 2014, eighteen (18) months prior to his desired retirement date of March 2016.

27. In March 2015, six (6) months after Plaintiff announced his intention to retire and approximately one (1) year prior to his desired retirement date, Plaintiff was informed by Ms. Kahan that he would be terminated and replaced effective May 11, 2015, ten (10) months prior to his aforementioned desired retirement date.

28. At or about the same time, Plaintiff was informed by Ms. Kahan that he would be replaced by a significantly younger and less experienced individual.

29. On April 30, 2015, Plaintiff was fired without warning, a mere eleven (11) days before his original date of termination of May 11, 2015 in response to a letter written by undersigned counsel alleging age discrimination against Plaintiff. *Id.*

30. For all of the foregoing reasons, Defendant willfully and intentionally discriminated against Plaintiff in violation of the Pennsylvania Human Relations Act, 43 Pa. C.S.A. § 951 *et seq.*

WHEREFORE, Plaintiff respectfully requests this Court enter an Order against Defendant requiring his compensation for damages suffered in the form of emotional distress, mental anguish, pain and suffering, inconvenience, humiliation, loss of the enjoyment of life, liquidated damages, if applicable, fees and costs, and all such other relief as this Court deems just, equitable and proper.

MESHKOV & BRESLIN

By: /s/ adm2795

ADAM D. MESHKOV, ESQUIRE
Attorney for Plaintiff

ID: 94856

830 Lehigh Street

Easton, PA 18042

(T) 610-438-6300 / (F) 610-438-6304